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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,559	10/24/2005	John P. Wikswo	14506-48686	9529

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EXAMINER

LAM, ANN Y

ART UNIT PAPER NUMBER

1641

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/525,559

**Applicant(s)**

WIKSWO ET AL..

**Examiner**

Ann Y. Lam

**Art Unit**

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-57 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Lack of Unity***

This application contains the following inventions or groups of inventions which are not linked as to form a single inventive concept under PCT Rule 13.1.

Group I, claims 1-27, drawn to a bioreactor having a recess formed in a second substrate and in fluid communication with a channel, and a barrier positioned for covering the recess so as to form an outer chamber, wherein the barrier has a porosity.

Group II, claims 28-41, drawn to a bioreactor having a first connection and second connection channel and confining means in a region in a chamber proximate the first connection channel, wherein the confining means comprises a plurality of traps.

Group III, claims 42-49, drawn to a bioreactor having a first and second connection channel and confining means positioned in a chamber to form a confinement region wherein the confinement means comprises a first filter and a second filter.

Group IV, claims 50-57, drawn to a bioreactor having a first and second chamber and at least one connection channel in fluid communication with a corresponding second chamber and the first chamber.

The inventions listed as Groups I-IV do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack a common special technical feature over the prior art for the following reasons:

The technical feature linking the groups appears to be a bioreactor having a channel. However, this feature is known in the prior art, as shown Matsuo et al., US 5,376,548 (col. 2, lines 24-43).

Therefore, the technical feature linking the inventions of groups II and V does not constitute a special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art.

The special technical feature of Group I is considered to be a bioreactor having a recess formed in a second substrate and in fluid communication with a channel, and a barrier positioned for covering the recess so as to form an outer chamber, wherein the barrier has a porosity.

The special technical feature of Group II is considered to be a bioreactor having a first connection and second connection channel and confining means in a region in a chamber proximate the first connection channel, wherein the confining means comprises a plurality of traps.

The special technical feature of Group III is considered to be a bioreactor having a first and second connection channel and confining means positioned in a chamber to form a confinement region wherein the confinement means comprises a first filter and a second filter.

The special technical feature of Group IV is considered to be a bioreactor having a first and second chamber and at least one connection channel in fluid communication with a corresponding second chamber and the first chamber.

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The technical feature linking the groups appears to be a bioreactor having a channel. However, this feature is known in the prior art, as shown Matsuo et al., US 5,376,548 (col. 2, lines 24-43).

Therefore, the technical feature linking the inventions of groups II and V does not constitute a special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art.

The special technical feature of Group I is considered to be a bioreactor having a recess formed in a second substrate and in fluid communication with a channel, and a barrier positioned for covering the recess so as to form an outer chamber, wherein the barrier has a porosity.

The special technical feature of Group II is considered to be a bioreactor having a first connection and second connection channel and confining means in a region in a chamber proximate the first connection channel, wherein the confining means comprises a plurality of traps.

The special technical feature of Group III is considered to be a bioreactor having a first and second connection channel and confining means positioned in a chamber to form a confinement region wherein the confinement means comprises a first filter and a second filter.

The special technical feature of Group IV is considered to be a bioreactor having a first and second chamber and at least one connection channel in fluid communication with a corresponding second chamber and the first chamber.

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Accordingly, Groups I-IV are not so linked by the same or a corresponding special technical feature as to form a single general inventive concept.

Thus, Applicant must elect from one of the groups for prosecution.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ann Y. Lam whose telephone number is 571-272-0822. The examiner can normally be reached on Mon.-Fri. 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Ann Lam